

# **INTEREST BASED BARGAINING**

## **STRATEGIC MANAGEMENT OF CHANGE**

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## **ABSTRACT**

When Clark County Fire District 12 (CCFD 12) negotiated their first collective bargaining agreement, both labor and management brought in "experts" to assist them. These experts led the parties into traditional bargaining with name-calling, finger-pointing, and other unproductive avenues.

This paper uses both historical and action methods to explore the process of Interest Based Bargaining (IBB) and devises a plan to allow future negotiations to follow IBB.

Various literature writings were reviewed and several people were interviewed to help understand the IBB process, to explain some of the pros and cons of IBB, to see why others have moved to this process, and to discover where IBB training is available.

This paper found that in most instances IBB produces better results than traditional bargaining. It preserves interpersonal relationships between labor and management. IBB establishes a linear process that works more efficiently. The process establishes a more lasting agreement that often expands what is available to both sides.

This paper recommends that CCFD 12 follow the plan in the Appendix to move to IBB by their next negotiating session. It also generalizes that all labor/management groups should explore using IBB.

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## INTRODUCTION

In 1998 many firefighters in the State of Washington were represented by a union with contracts that addressed wages, hours, and working conditions. In that same year Clark County Fire District 12 (CCFD 12) hired its third paid firefighter. With full support from management, this third member allowed the paid firefighters to form a collective bargaining unit.

As neither the new collective bargaining unit nor management had ever interacted in a true negotiating session, both sides sought help from outside "experts". These experts soon led the negotiations into a traditional bargaining process with each side jockeying for the best position at the expense of the other side. Back at the station morale slipped and long established working relationships deteriorated. Doors that formally were open, were closed while respective parties discussed strategies with labor lawyers and union leaders. Fees mounted and production decreased. The potential for complete stalemate increased with the ultimate decision of how to best work in CCFD 12 moved steadily toward an outside arbitrator. The major problem with bargaining between management and labor in CCFD 12 was that neither side knew how to use any bargaining process other than traditional bargaining.

The purpose of this paper is to develop a plan to move CCFD 12 to an Interest Based Bargaining (IBB) process for future negotiations. The paper used historical and action methods to answer the following questions:

1. How does IBB work?
2. What are the pros and cons of IBB?
3. What causes bargaining groups and management to move to IBB?
4. Where is IBB training available?

## **BACKGROUND AND SIGNIFICANCE**

In order to form a fire department, in 1962 a group of concerned farmers circulated a petition through the rural community surrounding the City of Ridgefield. In that same year, recognizing the strong public support, the State of Washington officially recognized CCFD 12 as a rural fire protection district. (Bartel, 1998) The fire department that formed drew its members from a community that understood teamwork and neighbors helping neighbors. At harvest time the farmers joined together, moving from farm to farm as they harvested the crops. If a neighbor needed help, the community was there.

This structure carried over into the by-laws and operations of the early CCFD 12. Members were voted in on popularity not skill. Officers were chosen the same way. All members joined in when deciding operational issues, equipment purchases, and station construction. A majority vote usually carried the decision forward where it was "rubber stamped" by the CCFD 12 Commissioners. There were no labor/management issues as all members functioned at all levels. Everyone knew everyone else and had for years.

Being a farming community, most firefighters lived and worked within the district. (Bartel, 1998) When an alarm came in, the farmers just changed hats, dropped their farming tools, and picked up fire fighting tools. If they ran short of help, they recruited on-scene, gave quick operating instructions, and finished the job.

Thirty-seven years of growth changed much of the original culture, demographics, and borders of CCFD 12. (Bartel, 1998) A three-lane interstate with cars speeding by replaced the quiet freeway where cars used to pull up to a stop sign and then cross when traffic presented an opening. Rail traffic on the main West Coast railroad line increased significantly in both speed and frequency. The farms disappeared, being replaced by one to five acre estates with elaborate

houses occupied by persons that worked miles away from CCFD 12. The district grew, annexing two cities into their boundaries. With the advent of Emergency Medical Service (EMS) and the increased population, call loads increased 600%. The Washington Industrial Safety and Health Agency (WISHA), coupled with National Fire Protection Association (NFPA) guidelines caused a significant increase in the number of required training hours. Faster burning construction materials, hazardous material responses, infectious diseases, and a raft of other new issues further added to these hours.

With the decreasing volunteer pool, increasing emergency responses, and a mountain of required paper work, CCFD 12 hired their first fulltime position, a chief, in 1985. (Clark County Fire District 12 Commissioner Minutes, 1984) As demands grew, they began hiring part-time firefighters in 1989. (Clark County Fire District 12 Commissioner Minutes, 1988) By 1993 they had hired their first fulltime firefighter, who was followed by a fulltime battalion chief and a second fulltime firefighter. (Clark County Fire District 12 Commissioner Minutes, 1993) As the department grew, they were able to maintain many elements of their past. Although the chief retained the final say, most issues were openly discussed by both the volunteers and the paid members. The main focus of the firefighters was providing the best service available.

In 1998 CCFD 12 hired their third paid, fulltime firefighter. (Clark County Fire District 12 Commissioner Minutes, 1998) Under the Washington State Public Employment Relations Commission (PERC) guidelines, fulltime, paid members of a fire department may petition for recognition as a bargaining unit once there are three fulltime members in the department.

The firefighters and chiefs discussed the formation of a bargaining unit and agreed that a collective bargaining agreement could be a positive thing for the district. The five fulltime paid

members believed they could sit down as a group and arrive at an agreement that would define the roles and responsibilities of all members.

The two chiefs, three firefighters, and local union president sat down in November 1998 for their first meeting. The group agreed to use a collaborative process to move the agreement ahead. It soon became apparent to the management side that they were not dealing with issues that just affected their three firefighters but with issues and agendas of Local 3674, the Washington State Council of Firefighters (WSCFF), and the International Association of Firefighters (IAFF). The issues began to focus on the good of a much larger collective group. Realizing their inexperience negotiating at this level, CCFD 12 brought a labor lawyer to the table.

What started as a perceived quick and painless process soon turned into eight months of name-calling, finger-pointing, posturing, proposals and counter-proposals, phone conversations, consultants, mounting legal fees, and more. Back at the station trust levels dropped. Long-standing friendships became strained. Hushed phone conversations and closed doors were common. Decision-making moved to the management level, often without adequate input from persons most affected by the decisions. Stress levels increased. The satisfaction and enjoyment of working at CCFD 12 deteriorated. The customers of CCFD 12 began to suffer. It appeared that the future would only bring more of the same.

This situation was a prime example of the significant cultural and demographic change in CCFD 12 and exemplifies the need for the district to strategically manage that change. Both management and labor were allowing outside forces to shape their futures. Change was managing the district instead of the district managing change.

## LITERATURE REVIEW

The Larousse Illustrated International Encyclopedia and Dictionary (1972) defines traditional negotiations as, "A cultural transmitted form of beliefs, principles, and conventions of behavior used to discuss terms of an agreement." (p. 939) "Traditional negotiating is often about relative power and the willingness to use it against each other sometimes at the expense of a better agreement or even the relationship, in order to 'win'." (Federal Mediation & Conciliation Service, 1997, p. 1) Cohen (1982) agrees that traditional negotiating is the use of information and power to affect behavior within a "web" of tension. "Traditional collective bargaining has many pitfalls and may create an atmosphere of hostility or distrust." (Cleemput, 1996, p. 22)

Fisher, Ury, and Patton (1991) believe that traditional negotiators see their jobs as narrowing the gap between position, not broadening the options available. They further state that negotiators are often not talking to each other but merely trying to impress their own bargaining team members. "Attitudes, needs, and feelings are concealed lest they be used against the negotiators. It is impossible to negotiate for the satisfaction of mutual needs." (Cohen, 1982, p. 156)

The Federal Mediation & Conciliation Service (FMCS) (1997) believes that there is a better way to negotiate:

It is known by many names and practiced in many variations and settings: Win-Win Bargaining, Mutual Gains, Principled or Interest-Based Negotiations, Interest-Based Problem Solving, Best Practice or Integrative Bargaining. Some of the variations utilize different steps and techniques, which can alter and affect outcomes. However, no matter which variation is used, the Interest-based Bargaining concept is constant. It is a



different way to negotiate. In the right situation, it is an alternative, replacing traditional positional bargaining with a process of joint problem solving. (p.1)

Bruegman (1995) writes that IBB is nothing more than an effort to look behind the needs of both parties and see whether there are acceptable ways that labor and management can resolve their needs. Ury (1991) believes that you can not satisfy your interests unless you can also satisfy your opponents. He feels it is important to understand your opponent's interests as well as you understand your own. "Parties focus on interests not positions; on problems not people." (Lobel, 1994, p. 771)

"IBB negotiations may offer the parties more flexibility, not locking them into predetermined issues and bargaining positions. Instead the process begins with understanding the problem and identifying the interests that underlie each side's issues and positions." (Federal Mediation & Conciliation Service, 1996, p. 2) IBB uses the approach of asking questions that focus the attention on the interests of both sides, searching for options that satisfy these interests. (Ury, 1991)

Successful negotiations have a positive attitude. (Maddox, 1986) Rackman (1980) proposes that IBB negotiators exhibit many of the traits that the most successful traditional bargainers also exhibit. They avoid attacking, ask questions to gain understanding, look for common ground, consider multiple options for issues, and present their goals around ranges not fixed points.

In IBB, negotiators place the problem before the answer, working hard on the problem but soft on the people. Negotiators concentrate on reconciling interests not positions. When you bargain for position, you often lock yourself into those positions. (Fisher et al., 1991). "IBB uses open communication, brainstorming, facilitation, and information sharing to exchange ideas

and information to develop options which are evaluated both in terms of their effectiveness in resolving the problem and their acceptability to the parties." (National Business Center, 1998, p. 1)

Finally, the FMCS (1996) stresses that IBB focuses on the present and the future not the past. It evaluates ideas by objective criteria not power and leverage.

To successfully use IBB the negotiators must accept several premises. Each side has multiple interests. For every interest there usually exists several possible solutions. (Fisher et al., 1991) Negotiators can not simply adopt the most obvious solution. Ury (1991) holds that, "You must jettison three common assumptions: that your opponent is irrational and can not be satisfied, that all he basically wants is money, and that you can not meet his needs without undermining yours." (p. 97)

The negotiators must agree that it is just a myth that cooperation requires compromise. (Stiebel, 1990)

Many negotiators think that compromise is synonymous with collaboration. Compromise results in an agreement in which each side gives up something it really wanted. Compromise rests on the premise that your needs and mine are always in opposition. Both sides have to give some. Neither feels obligated to support the arrangement. Pressure builds to lay aside differences for the sake of society.

Compromise is simply the midpoint between two extreme positions. (Cohen, 1982, p. 198)

"IBB is not the next step in the collective bargaining process. It will not and should not replace positional bargaining in every negotiation. But under the proper conditions and with the proper relationship between the parties, IBB offers a useful alternative." (Federal Mediation &

Conciliation Service, 1997, p.3) Lobel (1994) cautions that to even suggest IBB will solve all problems is foolish.

In summary, the material reviewed suggests that traditional bargaining is not the only negotiating tool and is often not the best. If negotiators will accept the premises of IBB, openly express interests, and consider all options as viable, the negotiators should be able to arrive at a better agreement without sacrificing the relationships so important to working side-by-side in the fire service.

## **PROCEDURES**

### **Definition of Terms**

Public Employment Relations Commission. A governmental agency established by the State of Washington to guide public employers and unions on collective bargaining issues.

Washington State Council of Firefighters. An association of paid firefighters in the State of Washington that works to improve employment conditions and economic packages for paid firefighters.

Federal Mediation & Conciliation Service. "An independent agency of the United States Government created by congress....to work on labor-management relations, mediate contract negotiation disputes between companies and the unions representing their employee, and provide training in cooperative processes to help build better labor-management relations." (Federal Mediation & Conciliation Service, 1997, p. 1)

### **Research Methodology**

To prepare for this research project several different resources were used. Information, facts, and opinions were gathered from books, magazines, and Executive Fire Officer (EFO) papers at the Learning Resource Center at the National Fire Academy, Emmitsburg, Maryland

and the Ridgefield branch of the Fort Vancouver Regional Library, Vancouver, Washington. Additional information was obtained from governmental commissions and studies listed on the Internet. Finally, four phone interviews were conducted.

Three persons who are prominent in the IBB field were chosen to be interviewed. They were asked three questions: 1) What are the advantages of IBB? 2) What are the misconceptions and problems with IBB? 3) Why do departments change to IBB? A fourth person was interviewed with the specific question of how CCFD 12 could obtain IBB training.

The Chief of the City of Olympia Fire Department, Chief Larry Dibble, was the first person interviewed on the morning of July 23, 1999. Chief Dibble joined the City of Olympia Fire Department in 1972. In his career he has served in all positions from firefighter to chief. He accepted the position as chief of the department in 1998. Chief Dibble has a background in teaching and consulting. He has presented IBB at labor seminars in the State of Washington.

When Chief Dibble accepted the position with the City of Olympia Fire Department, there were labor problems within the department. Several members of both labor and management harbored bitter feelings brought about by years of traditional bargaining. Chief Dibble, with the assistance of the current president of the union, instigated IBB as part of his Total Quality Management (TQM) concept. At the time of this interview, his department had crafted an IBB agreement that was supported by both the city government and the labor group.

The next person interviewed was the President of the WSCFF, Kelly Fox. The WSCFF represents most union firefighters in the State of Washington. He was interviewed on the afternoon of July 27, 1999.

Kelly Fox became a paid, professional firefighter with the City of Olympia Fire Department in 1982. He advanced to the rank of captain before voluntarily stepping back to

lieutenant so he could become more active in the labor movement. Within the labor movement he advanced from the President of the Olympia Firefighter Local 468 to the Executive Board of the WSCFF. In June of 1996 he was elected President of the WSCFF.

Kelly Fox has years of experience in the labor movement. He has both assisted and participated in forming many bargaining units around the State of Washington. Kelly has negotiated numerous contracts using both traditional bargaining and IBB.

On August 11, 1999 Kathleen Erskine was interviewed. She works with the Washington State PERC. She works there as a Labor Relations Mediator/Adjudicator. One of Kathleen's main focuses is presenting training seminars on IBB. She presents two-day training sessions for public agencies that request them. Kathleen has presented these seminars across the state for several years.

Gary Hattal was the fourth person interviewed. The interview took place on August 9, 1999. He works for the Federal Mediation & Conciliation Service (FMCS). The FMCS is an independent agency created by congress. The mediators work out of 78 field offices across the United States. Although dispute mediation is their main focus, they also provide IBB education and training. Gary Hattal has often been involved in IBB training across the Western Region.

## **RESULTS**

### **How does IBB work?**

IBB is a defined process that has a beginning, middle, and end. As Grattet (1995) points out, it begins with initial proposals to identify concerns or interests on which either labor or management desires discussion. There are no demands, positions, or offers made. The process separates the people from the problem, focusing on interests not positions. Richardson (1997) cautions, "Since judging inhibits creativity, invent first and evaluate later." (p. 66) IBB allows

parties to brainstorm by removing many of the risks of traditional bargaining. Ideas that are presented are not "owned" by anyone. They are just possibilities. (Federal Mediation & Conciliation Service, 1997)

The middle of the process concentrates on options, ideas, and potential solutions. Grattet (1995) states that you identify options and alternatives, making clear that these are not binding. This allows you to develop many options to choose from. Ury (1991) advises that you seek your opponent's advice. Doing this acknowledges your opponent's competence and status. If your opponent's position strikes you as unreasonable, instead of rejecting it, you can use it as an opportunity to discuss standards of fairness. "Once your counterpart gets involved in the process, they begin to develop a stake in living up to the positive and powerful role in which you have cast him." (Ury, p. 67)

During this phase the negotiators strive to understand the other party's interests and concerns. This is often done by creating a rough draft of their needs, correcting misconceptions as you go. (Stiebel, 1990) You continue to reframe all discussion into a form that directs attention toward satisfying both sides' interests, striving to keep the questions open-ended and eye opening. (Ury, 1999) Cohen (1982) suggests that each side strive to see the problem from the point of view of their counter-part.

By the end of the IBB process the parties should have recorded all ideas on a flip chart to provide a common focus. (Federal Mediation & Conciliation Service, 1997) The groups will have collectively gathered information on the various interests and jointly discussed the various options. The negotiators then chose the preferred options and, if possible, agree upon the best. If this is accomplished, all that is left to do is draw up the agreement and approve it. (Grattet, 1995)

### **What are some of the pros and cons of IBB?**

The pluses of IBB far outweigh the minuses. At the simplest level IBB creates a process of communicating back and forth with the goal of reaching a joint decision. (Fisher et al., 1991) Negotiations will flow into a general statement of goals and objectives. (Maddox, 1986) Lobel (1994) points out that articulating positions on issues is an effective way to allow both sides to focus on interests within a defined framework. Negotiators use their time more effectively as they use objective criteria to move toward solutions. (Fisher et al., 1991)

IBB builds on trust. "The best is a trusting relationship in which each party has a firm belief in the honesty and reliability of the other." (Cohen, 1982, p. 164) Richardson (1997) explains that traditional bargaining introduces negativism into the approach of both bargaining teams whereas IBB brings a more positive tone and trust. The National Business Center (1998) writes that trust is essential in the IBB process.

Using trust as a spring board, IBB develops a better working condition for both sides. "It is a way of acting and behaving that can develop understanding, belief, acceptance, respect, and trust." (Fisher, 1991, p. 91) When the negotiators reach an agreement using IBB, the employees feel more empowered. They are more likely to share the responsibility for resolving problems and achieving goals than to demand more rights. (Grattet, 1995)

The FMCS (1997) stresses that IBB allows labor and management to move away from antagonism and suspicion toward a relationship based on shared goals and understanding. Maddox (1986) concludes, "Win/win is simply good business. Parties are willing to work with each other in the future." (p. 13)

Lobel (1994) connects the benefits of IBB and relationships when she writes: "Negotiators should understand that the parties to collective bargaining agreements have a

continuing relationship that goes well beyond the negotiations. Any negotiation has a spillover implication to the continuing relationship. A bitter dispute will cause bitterness in day to day plant life." (p. 776) Long-term relationships are enhanced by encouraging cooperation and collaboration between firefighters and management. (Grattet, 1995) Fisher et al. (1991) focus on the importance of understanding that IBB is an effective way for the parties to see themselves as partners in a hardheaded, side-by-side search for an agreement that is advantageous to all.

IBB produces a better product. Newkirk (1981) stresses that IBB is more likely to produce a positive outcome than if both sides faced each other as combatants. In successful negotiations everyone wins. Fisher et al. (1991) believe that in virtually every instance IBB will produce an outcome that is better for both sides.

"When you focus on interests, it is often possible to develop win-win solutions." (Grattet, 1995, p. 7) "Principled negotiations produce wise agreements amicably and efficiently. The more you bring standards of fairness, efficiency, or scientific merit to bear on your particular problem, the more likely you are to produce a final package that is win-win." (Fisher et al., 1991)

IBB has the power of producing a more lasting agreement. This process gives both labor and management a stake in the outcome as both participated in the process. (Federal Mediation & Conciliation Service, 1997) Maddox (1986) contends that, "When parties in an agreement are satisfied with the outcome, they will work to make it work, not fail." (p. 13)

Finally, IBB offers more options to each problem or interest. Using this open, interest-based approach to solving problems makes it possible to generate and consider options that neither side may have considered in the past. (Federal Mediation & Conciliation Service, 1997) Cohen (1982) believes there are many creative solutions that may be used to enhance the positions of both sides. "Solutions can be more satisfying than the compromises that typically



result from positional bargaining. When everyone is busy defending positions, it is hard to find time to invent solutions." (p. 47) When negotiators take the time and effort to reconcile interests rather than compromise positions, they often find more solutions than problems. (Federal Mediation & Conciliation Service, 1997)

In contrast to the many positive effects of IBB there are several instances where IBB does not work well. If both parties are not willing to make a commitment to the process, it will not work. The FMCS (1997) emphasizes that IBB requires more time than traditional bargaining. There must be adequate time remaining before the expiration of the current contract or the parties will not have time to complete the sequence of decision-making tasks that are required.

The US Department of Labor (1996) writes that if either party refuses to try new approaches or if they are reluctant to discuss issues, the process will not work. Neither union leaders nor management may be willing to commit to IBB if they see it as a method to ignore their traditional roles. The FMCS (1997) contends that, "All participants must accept the principles and assumptions that underlie the process or it will not work." (p. 2)

IBB will often fail if the participating groups lack the skill necessary to effectively use this style of negotiating. Richardson (1977) writes "(IBB) requires a high degree of self-discipline on the part of the negotiator, combined with a desire and willingness to put forth the effort and time to do the job right." (p. 6) Cleemput (1996) agrees that, "IBB requires formal training and strict adherence to the rules of behavior." (p. 20) When the skills necessary for participative relationships are not present, the parties often fall back on traditional labor-management bargaining. (US Department of Labor, 1996)

Finally, both parties must be willing to forego power as the sole means of winning. (Federal Mediation & Conciliation Service, 1997) Negotiators must remember that relative

power and the willingness to use it against the other side is a premise of traditional bargaining and often produces results at the expense of a better solution.

Constant battles for dominance will threaten relationships. (Fisher et al., 1991) Grattet (1995) believes that sharing power is a way of enhancing power. Both management and labor must realize that allowing input does not relinquish authority or give up any right.

### **What causes bargaining groups and management to move to IBB?**

There are four general reasons why negotiators change from traditional bargaining to IBB. One reason for the move is that traditional bargaining wastes time. Bruegman (1995) notes that the poor relationships that often result from traditional bargaining are unproductive and inefficient. The time and energy spent resolving conflicts that result from the strained relationships could be better directed toward positive and productive services for both the community and the department.

The manager should consider negotiating a cooperative venture in which the goal is to reach an effective solution for all parties involved. This is particularly important in the case of repeated negotiations between the same participants. If you lose in one, you will try to get even in the next. This process of "getting" even is an ineffective pattern of negotiating. (Newkirk, 1981, p. 30)

Traditional bargaining does not work well. The demands for both sides are often extremes. Everyone knows they can not possibly be achieved. (Grattet, 1995) Maddox (1986) points out that the way we negotiate often determines the outcome. The worse outcome at which negotiators can arrive is no bargain at all.

"Since you can not look into someone's heart or mind, it would seem absurd to believe that you could know what impels or propels them." (Cohen, 1982, p. 194) While traditional

bargaining may allow the parties to clarify where the conflict lies, the task will usually remain of how to resolve the conflict. (Stiebel, 1990)

The US Department of Labor (1996) proposes that the traditional bargaining approach to collective bargaining may not be sufficient in the future. "A local government manager may emerge a battered victor, but no hero: the price of victory is high. The true hero is the diplomat, who avoids battle by resolving the dispute or preventing it and building alliances that strengthen the city." (Stiebel, 1990, p. 20) In a difficult dispute the impulse is to try harder, but it does no good to do the same wrong thing with more intensity.

IBB produces better working relationships than traditional bargaining. The results of IBB focus on common interests rather than differences. There is a feeling that "we did it together", not that one side won and the other lost. (Grattet, 1995) The process used in IBB creates a willingness of elected officials, managers, union leaders, and the work force to work together. (US Department of Labor, 1996) The process assumes that negotiations can enhance the labor-management relationship. (Federal Mediation & Conciliation Service, 1997)

The fourth reason for moving to IBB is that it is more productive. Traditional settlements do not promote relationships that focus energy on work. (Grattet, 1995) "The idea that workers are on one side and management on the other always has seemed inconsistent with creating an organizational environment in which everyone is encouraged to cooperate in achieving the organization's goals." (Grattet, 1995, p. 1)

There is a growing realization from both labor and management that we are in the same boat. As there is a growing demand from the citizens that we serve to perform better, we must work together to improve public service. (US Department of Labor, 1996) "The cooperative movement is an essential ingredient in improving the quality and delivery of government

service." (Government Employee Relations Report, 1994) Difficult contract negotiations in the public sector do very little to improve public impressions or gain support for local government. (Grattet, 1995)

### **Where is IBB training available?**

K. Erskine (personal communication, August 11, 1999) is an IBB trainer for PERC. When requested by a governmental agency, she presents a two-day training session. On the first day the group works with the IBB process. On the second day the group selects a joint issue and spends the day working toward mutual resolution using IBB. She stressed that both labor and management must commit to this process and spend the time necessary to allow it to work. There is no cost for the class. She will present this training to large or small groups.

G. Hattal (personal communication, August 9, 1999) was contacted with the express purpose of collecting more information on available IBB training. He relayed that the FMCS does provide this service although it will not provide the training for small groups. He suggested combining several of the smaller fire departments in CCFD 12's area and holding a training session for all at the same time. Mr. Hattal also spoke very highly of the IBB process.

When CCFD 12 and its union negotiated their first contract using traditional bargaining, they purposely left one item open for future negotiation using IBB. (Clark County Fire District 12 Commissioner Minutes, 1999) They agreed to a five-step pay increase for firefighters with firefighters advancing one step each year. They then stipulated that they would meet at a future date and attempt to use IBB to set skill performance levels for each step. If agreed on, a firefighter would then need a year and all the skill steps necessary for that step before they could advance to the next step. If labor and management were not able to reach agreement on skill levels for each step, the collective bargaining agreement would revert to yearly steps only.

## **Interviews**

Chief L. Dibble (personal communication, July 23, 1999) stated that through his 27-year career with the fire service he had seen all aspects of collective bargaining and had sat on both sides of the bargaining table. When he was promoted to the position of Chief of the City of Olympia Fire Department, he was aware of a significant adversarial history between labor and management. As a natural extension of the TQM goal of the department, he believed IBB would be the best bargaining process. With support of the union president and training from PERC, his department moved ahead with IBB.

The department stumbled into several problems with IBB. Mistrust had been building on both sides for years. It took a lot of effort to begin rebuilding the trust. While the negotiators participated in IBB training, some of the city's consultants and administrators had only experience in an adversarial form of traditional bargaining. It took a while to instill the IBB process into the culture of the department and city administration.

Finally, the IBB process did not work well when they negotiated over wages. There were not a lot of variations in what was available nor what comparable departments were paying.

While there were some negative aspects of IBB, Chief Dibble believed these were significantly outweighed by the advantages. Once IBB was learned and accepted by labor and management, the traditional adversarial process disappeared. The department was able to dispose of the hate-hate relationship that had built over the past years of bargaining.

Bargaining teams no longer "held their cards to their chest". They removed personalities from the process and began to concentrate on interests. With use they found the process became very easy. They were able to solve problems much more quickly. The department continues to use the IBB process as problems or interests present themselves.

In his experience as a labor negotiator and organizer, WSCFF President K. Fox (personal communication, July 27, 1999) found that traditional bargaining was often counter productive, wasting time, energy, and effort. He felt that bargaining teams spent too much time retracing the same steps and ground. In 1991 he attended a training session on IBB with other labor leaders and city negotiators. As a result of this class, he realized there were other ways to negotiate a contract.

He felt the greatest advantage of IBB was that it allowed you to put yourself in the other person's position and see a problem from their point of view. IBB teaches you to listen better.

President Fox felt that IBB has some constraints. While it worked very well for non-monetary issues, it often broke down when there were limited amounts of money. Initially, it is a more time consuming process that takes more preparation and a greater commitment from the participants. He also believed that when parties are unable to resolve an issue and the disagreement is taken forward to PERC, it is harder for PERC to mediate due to their lack of experience with this type of negotiating.

K. Erskine (personal communication, August 11, 1999) spoke very favorably about IBB. She pointed out that the key behaviors of this process are the same behaviors that the most successful traditional bargainers use. Ms Erskine saw it as a process that increases trust and allows good relationships to develop. Everybody wins. IBB improves the quality of the labor agreement by allowing the groups to join their brains together to solve problems instead of combating each other. She liked the idea that this type of bargaining created a linear process that negotiating parties could follow. It removes personal feelings and personalities from the bargaining. Finally, IBB has a positive impact on the delivery of public services.

Ms Erskine did caution that there are some situations where IBB may not work well. The process requires commitment and preparation from both sides. Initially, IBB usually takes longer. There must be a high trust level for the process to work. All players must be willing to give up their individual and collective power and control.

She believed that IBB does not work as well in large governmental organizations nor where pure economic issues are involved. She also felt that the Washington State collective bargaining laws that guide collective bargaining, allows parties to not commit fully to resolve all issues as they always have the arbitration alternative.

Ms Erskine closed with two of her favorite quotes. The first came from the New York City hostage negotiating team. In reference to bargaining they state, "If the only tool you have in your toolbox is a hammer, then every problem is a nail." She did not know the source of the second quote, which referred to traditional bargaining. It states, "You must realize the importance of understanding that every conflict is not a contest."

G. Hattal (personal communication, August 9, 1999) provides training on IBB. He will not present this training for small groups. Mr. Hattal recommended that several governmental agencies join together for one training session. He is a strong believer in the IBB process. He feels that IBB is a better way for labor and management to negotiate.

## **DISCUSSION**

It is interesting that both Chief L. Dibble (personal communication, July 25, 1999) and K. Erskine (personal communication, August 11, 1999) identified improved relationships as one of the strong points of IBB. They see IBB as a way to remove personalities from the bargaining process and concentrate on the issues and problems. Ury (1991) agrees that IBB allows the parties to reframe a personal attack as a show of concern and shift the focus back to the problem.

Grattet (1995) concurs that the cooperation and collaboration required in IBB builds on the long-term relationship between the firefighters and management.

Improved relationships appear to be one of the biggest gains of IBB. For a department the size of CCFD 12 relationships are crucial. CCFD 12 is still a smaller, community based fire department. The department can not allow a collective bargaining agreement to destroy the friendships and common goals the department has enjoyed since its inception. The department must continue to search for and use processes that will keep all headed in a common direction.

K. Erskine (personal communication, August 11, 1999) stated that IBB creates a process to follow. K. Fox (personal communication, July 27, 1999) complained that one of the problems with traditional bargaining was that it wasted time. Negotiators often retraced the same steps over and over. Fisher et al. (1991) wrote that IBB is a defined process. It has a beginning, middle, and end. Grattet (1995) shows that in the beginning you identify the problems, focusing on interests not positions. You then invent options, striving to capture an array of different options. Finally, you pick the best options based on objective criteria.

Unlike traditional bargaining, which can involve starts and stops and moves in many directions at the same time, IBB follows a set pattern. Negotiators can not jump to the end until they have completed the middle. This could be very beneficial for CCFD 12. One of their larger stumbling points in bargaining was that they did not have a road map. IBB could guide the district forward on their next contract.

K. Erskine (personal communication, August 11, 1999) believes IBB has a positive impact on the delivery of services to the citizens a department serves. Bruegman (1995) agrees that the time and money spent resolving traditional bargaining conflicts could be more positive



and productive if channeled for the good of the community. Grattet (1995) says that negotiation conflicts do little to improve public support for a department.

It would seem that fire departments must continue to improve service to the public. Citizens expect it. They pay members' salaries. They ultimately control all resources. Departments can not allow bargaining to distract from service to citizens. CCFD 12 has a history of good customer service. If IBB does in fact ultimately improve services, the district owes it to the public to use this process.

K. Fox (personal communication, July 27, 1999) said that the IBB process allowed bargaining members to view a problem from all sides. Grattet (1995) concurs that both sides need to look at an issue from all perspectives. When everyone understands the interests and concerns of the other group, they often find some of the interests are mutual. (Federal Mediation & Conciliation Service, 1996) Parties may be trying to reach the same goal from different approaches.

Traditional bargaining may keep each side from finding out what their opponent really wants. Management or labor may only look at an issue from their own point of view. The IBB process allows participants to view issues from all angles. CCFD 12 may find that IBB would enlighten both labor and management on how each side views the various issues. With this larger picture they may arrive at an agreement that would be more satisfying to both.

Three of the persons (personal communications, L. Dibble, July 25, 1999; K. Fox, July 27, 1999; and K. Erskine, August 11, 1999) interviewed felt that IBB did not work well when it dealt with purely economic issues. No authors in the literature review expressed this view.

L. Dibble (personal communication, July 25, 1999) discussed how their bargaining team initially had problems due to lack of IBB skills by some of the players. Kathleen Erskine (K.

Erskine, August 11, 1999, personal interview) supported this lack of skill by the fact that she travels around the State of Washington teaching these very skills. The US Department of Labor (1996) expressed their belief that negotiating parties often fall back on traditional labor-management confrontations because they lack the skills for participative relationships.

It would seem that IBB takes formal training. This training is available at both state and federal levels. Without training and practice, bargaining eventually goes back to a win/lose process. This could be a crucial point for CCFD 12. They need to invest the time and effort to learn the IBB process. Without this effort they will continue using traditional bargaining.

K. Erskine (personal communication, August 11, 1999) contends that the players must be willing to give up their power and control for the good of the process. The FMCS (1997) strongly agrees that both parties must be willing to give up their position of power as the sole method of winning. Managers must accept the idea that sharing power is a way of enhancing power (Grattet, 1995) Union leaders must see that IBB is not just an attempt to take away their power. (US Department of Labor, 1996)

Literature strongly supports that the use of power to get what you want is not part of the IBB process. It would also seem that this could be one of the hardest adjustments to make. Many labor leaders and company managers define themselves by the power they wield. The main implication for CCFD 12 is that both sides must realize that the use of power accomplishes very little. All it really does is make the losing side search for a way to get even in the future.

Both K. Erskine (personal interview, August 11, 1999) and K. Fox (personal communication, July 27, 1999) agree that IBB takes greater preparation and more commitment from the participants. Participants must commit to the principles that underlie IBB. (Federal

Mediation & Conciliation Service, 1996) As stated above, CCFD 12 and the bargaining unit must make this commitment.

All persons (personal communications, L. Dibble, July 25, 1999; K. Fox, July 27, 1999; and K. Erskine, August 11, 1999) interviewed strongly agreed that trust is essential. Richardson (1997) and Cohen (1982) points out that IBB needs a relationship where each party has a firm belief in the honesty of the other. Trust is essential and needs to be built before sitting down at the bargaining table. (National Business Center, 1998) The objective approach of IBB builds a positive tone and trust. (Richardson, 1997)

Of all the points reviewed, trust appears to be the most essential. All other facets of IBB reflect back to trust. Without it the process will not work. This is a key issue for CCFD 12. Their bargaining process has placed trust in peril. Management and labor are often wary of things the other side does. Hushed conversations and closed doors do not help. CCFD 12 must make every effort to again establish the trust level they enjoyed in the past.

### **RECOMMENDATIONS**

In August of 1998 CCFD 12 started down the road toward traditional bargaining. Traditional bargaining flies in the face of the district's history, a history of cooperation and joint decision making. Cohen (1982) points out that traditional negotiation sees every issue as a constant struggle of winning and losing. Each side concentrates on their own goals without worrying about the needs or acceptance of others.

"IBB is known by different names, win-win bargaining, mutual gains bargaining, consensus bargaining, and collaborative bargaining." (Pennsylvania Bureau of Mediation, 1998, p.1) However it is called, CCFD 12 and their new union must accept the premises of IBB, learn how to use it, and apply it to the future if they wish to preserve their past. As they grow, they

will face increasing challenges within their community. CCFD 12 needs the strength of their past practices; practices that saw all members working together for the common good of the community.

CCFD 12 needs to follow the plan in the Appendix. This plan will help them retrace the steps they have taken toward traditional bargaining, bringing them back to a place of trust and cooperative decision making. IBB training will give them a process to follow. Applying IBB to a current fire department issue will allow both sides to see how this process works.

All organizations need to place IBB in their toolboxes. With the acceleration of today's society, fire departments can not only look to the past for solutions. Labor unions, management, volunteer organizations, and all other combinations of fire department members need to look at their organizations and search for ways to better serve their customers and stay competitive.

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## APPENDIX

STRATEGIC PLAN: To focus on providing the best service to the customers of Clark County Fire District 12.

OBJECTIVE: Concentrate the energies and intellect of management and labor on providing extraordinary customer service by moving to IBB to solve future problems.

### TACTICS:

- The chief of the department will meet with the shop steward to select two days for IBB training...
- The chief will contact Kathleen Erskine to set up the training
- Labor and management will collect samples of skill level step increases from other departments
- The department will schedule training for January 2000
  - The district will pay overtime to guarantee all three bargaining members are present.
  - The district will bring in extra staffing to cover all ordinary emergency responses for these two days.
- The group will concentrate on the particular issue of skill levels for each step increase.
- If the group reaches agreement, they will make it part of their collective bargaining agreement.

OUTCOME EXPECTATION: By the time CCFD 12 needs to re-negotiate their next agreement, IBB will be a part of their culture.